

MINUTES OF THE REGULAR MEETING OF THE GEORGETOWN CHARTER TOWNSHIP
ZONING BOARD OF APPEALS HELD JUNE 23, 2010

The meeting was called to order at 7:30 p.m. by Chairperson Joyce Weise.

Members Present: Joyce Weise, Carl DeVree, D. Dale Mohr, John Fanthorpe, Greg Honderd
Members Absent: none
Others Present: Mannelte Minier, Secretary and Zoning Administrator; and the applicants

#100623-01 - Approval of the minutes

The minutes of the regular meeting held on May 26, 2010 were presented.

Moved by John Fanthorpe, seconded by D. Dale Mohr, to approve the minutes as presented.

MOTION CARRIED UNANIMOUSLY.

#100623-02 – (VAR1005) Nylaan Body Shop, 1224 Rosewood St., is requesting to have three drive entrances (curb openings), a variance of one from the maximum of two allowed in Sec. 20.4(AD)(5) which states no more than one curb opening shall be permitted for every 75 feet of frontage along any street, with a maximum of two per arterial street for a special use permit for vehicle repair, in a (HS) Highway Service Commercial district, on a parcel of land described as P.P. # 70-14-23-100-083, located at 1224 Rosewood St., Georgetown Township, Ottawa County, Michigan. ([site plan](#) of existing site, [proposed site plan](#), [application](#))

The Zoning Administrator presented a review as follows.

REQUEST

(VAR1005) Nylaan Body Shop, 1224 Rosewood St., is requesting to have three drive entrances (curb openings), a variance of one from the maximum of two allowed in Sec. 20.4(AD)(5) which states no more than one curb opening shall be permitted for every 75 feet of frontage along any street, with a maximum of two per arterial street for a special use permit for vehicle repair, in a (HS) Highway Service Commercial district, on a parcel of land described as P.P. # 70-14-23-100-083, located at 1224 Rosewood St., Georgetown Township, Ottawa County, Michigan:

HISTORY

The site has a lengthy and complicated history related to variances requested/granted, special use permit approvals and site plan approvals. The ZBA minutes of [February 24, 2010](#) and [March 24, 2010](#) detail the history and list the variances that were granted.

Specially, the following variances were granted contingent upon the following (the variances denied are also listed):

- 1. The property coming into full compliance with all conditions of approval from any variances, special land uses and site plan approvals granted in the past by the Township;***
- 2. The property coming into full compliance with all other Zoning Ordinance requirements which are applicable to the property;***

3. *The property coming into such compliance no later than the completion of construction of the building at issue/a certificate of occupancy being issued for the completed building at issue.*

#100224-02 Variance #3 motion - To have a front yard setback of 74 ft., a variance of 6 ft. from the 80 feet required in Chapter 24-Approved.

#100224-02 Variance #8 motion - To have the building constructed 41 feet from the road right-of-way, a variance of 9 feet from the 50 feet required in Sec. 20.4(AD)(3) -Approved.

#100224-02 Variance #9 motion - To have four drive entrances (curb openings), a variance of two from the maximum of two drive entrances permitted in Sec. 20.4(AD)(5) which states no more than one curb opening shall be permitted for every 75 feet of frontage along any street, with a maximum of two per arterial street-Denied.

#100224-02 Variance #5 motion: - Partially approved as follows: To require 6 inch curbing around all paved and landscaped areas north of all the buildings, including defining the driveways and along the roadway, and to have the 6 inch curbing along both sides of the four foot raised island (which must be landscaped with vegetation as per Ottawa County Road Commission recommendations), and to have the 6 inch curbing from the raised island connect to the Road Commission curbing at the intersection, to have 6 inch curbing in the area at the northeast corner of the "L" shaped buildings tie to the curbing to the north; and to grant a variance to waive the curbing requirement in the other areas to the south of the north faces of the buildings, a partial variance from Sec. 20.4(AD)(7) which states a raised curb of 6 inches in height shall be constructed along the perimeter of all paved and landscaped areas (with landscaped areas to be determined by the ZBA), based on the finding that the request (only in the areas noted as granted for the variance) meets the seven standards of the ordinance (as outlined in the Zoning Administrator's report and findings).

#100324-03 – Variance motion #10: - To have a drive or curb opening closer than 75 feet to any intersection and to have driveways located closer than 50 feet from another driveway, a variance from Sec. 20.4(AD) which states no drive or curb opening shall be located nearer than seventy-five (75) feet to any intersection nor more than twenty-five (25) feet to any adjacent residential property line. No drive shall be located nearer than fifty (50) feet, as measured along the property line, to any other driveway. A driveway shall not be permitted where, in the opinion of the Township Board, it may produce a safety hazard to adjacent pedestrian or vehicular traffic, based on the finding that the request does not meet the seven standards of the ordinance as outlined by the Zoning Administrator-Denied.

#100324-03 – Variance motion #4 and #6 (landscaping/setback)-Approved for the following:

- 1) Eastern portion of the site (in front of the eastern building) - to have a 0 setback, a variance of 30 feet from the 30 foot setback required in Chapter 24 footnote (k) which states except for necessary drives and walks the required front yard for a depth of thirty feet shall be landscaped and shall not be used for parking, loading or accessory structures, with the condition that the space within the curbed four foot area (within the road right-of-way) shall have low vegetation meeting Ottawa County Road Commission recommendations.
- 2) Middle portion of the site (in front of the middle building) - to have a 5 foot setback, a variance of 25 feet from the 30 foot setback required in Chapter 24 footnote (k) which states except for necessary drives and walks the required front yard for a depth of thirty feet shall be landscaped and shall not be used for parking, loading or accessory structures, with the

condition that the space within the curbed road right-of-way area shall have low vegetation meeting Ottawa County Road Commission recommendations.

- 3) **Western portion of the site (in front of the western building including the area along the western property line) - to have a 12 foot setback, a variance of 18 feet from the 30 foot setback required in Chapter 24 footnote (k) which states except for necessary drives and walks the required front yard for a depth of thirty feet shall be landscaped and shall not be used for parking, loading or accessory structures, with the condition that the space within the curbed road right-of-way area shall have low vegetation meeting Ottawa County Road Commission standards.**
- 4) **To have 10 trees in the front setback landscaped area with the types and sizes of the trees to meet ordinance requirements (trees may be clustered), a variance of 11 trees from the 21 trees required in Sec. 3.11 which states that one tree shall be provided for each 25 feet of frontage or fraction and the frontage is 511 feet.**

#100324-03 – Variance motion #7 (parking spaces) - **To have 60 parking spaces with some which may not be considered to be “legal” as per the requirements in the ordinance, a variance from the previously approved variance VAR9812 approved in 1998 for the site to have 60 legal parking spaces-Denied.**

#100324-03 – Variance motion #11 (queuing spaces) - **To have no vehicle queuing spaces in front of each service bay, a variance from Sec. 20.4(AD)(16) which states that where applicable, vehicle queuing space shall be provided in front of each service bay for at least 2 vehicles-Approved.**

DISCUSSION

The following section of the Zoning Ordinance does **not** allow an application which has been denied by the ZBA to be resubmitted for a period of one year except under certain conditions. The initial variance application submitted by Nylaan Body Shop had been to request **four** driveways, a variance of two from the maximum of two allowed under the special use permit standard in Sec. 20.4(AD)(5) and this current application request is to allow **three** driveways, a variance of **one** from the maximum of two permitted. Therefore, technically this is a different request from the initial application. Further, the conditions also appear to have changed due to the fact that the site plan now shows complete compliance with all other aspects of previously approved variances, as well as special use permit standards and ordinance standards (other than those waived by variances), whereas, the previously submitted site plan did not show compliance with these elements.

Sec. 28.9 DECISIONS.

- (C) No application for a variance which has been denied wholly or in part by the Board shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Board to be valid.

SUMMARY of the review

Variance standards in Sec. 28.11(C) are required to be met in order for a variance to be granted. The ZBA should determine if they agree with the determination that the following standards are met or not met.

Variance ID	VAR1005		
Applicant	Nylaan Body Shop		
Address	1224 Rosewood St.		
Request	3 drive entrances, max of 2 allowed for SUP for vehicle repair		
Date	For June 23, 2010 meeting		
#	YES	NO	CONDITIONS (Chapter 28.11-C)
1	X		Granting the variance(s) will be in the public interest and will ensure that the spirit of the Ordinance shall be observed.
2	X		Granting the variance shall not permit the establishment within a district of any use which is prohibited, nor shall any use variances be granted.
3	X		That there are practical difficulties in complying with the standards of the Zoning Ordinance resulting from exceptional, extraordinary, or unique circumstances or conditions applying to the property in question, that do not generally apply to other property or uses in the vicinity in the same zoning district; and have not resulted from the adoption of this Ordinance.
4	X		That the granting of such variance will not be of substantial detriment to adjacent properties or improvements in the vicinity; or, that the application of conditions of an approved variance will eliminate or sufficiently mitigate potential detrimental impacts.
5			That granting such variance is necessary for the preservation of a substantial property right possessed by other properties in the vicinity in the same zoning district.
6	X		That granting such variance will not cause any existing non-conforming use, structure, or condition to be increased or perpetuated, contrary to the provisions of Chapter 27 of this Ordinance, except in accordance with Section 27.12.
7			That the variance is not necessitated as a result of any action or inaction of the applicant.

Standard #1 - Granting the variance will be in the public interest and will ensure that the spirit of the Ordinance shall be observed.

APPEARS TO BE MET. The spirit of the ordinance is “to promote and safeguard the public health, safety, morals, prosperity and general welfare of the people of this Township,” as stated in the Zoning Ordinance. As evidenced by the [letter dated January 21, 2010](#) from the Ottawa County Road Commission and in the M-121 (Chicago Drive) Corridor Access Management Plan ([CAMP](#)) prepared for MDOT, this is an area of concern having “poor intersection-to-driveway spacing” with commercial driveways that are within the functional area of the intersections. The Plan references this site as in need of redesign and reconstruction and discusses retrofitting recommendations of redesigning and reconstruction of the existing wide open/undefined access zones, along with a more defined location of ingress/egress further away from the functional areas of adjacent intersection. The Plan even provides a graphic aerial photo depicting the area where curbing should be installed to limit driveway access away from the intersection. The Ottawa County Road Commission wants to see modification to the access of this site for the safety of pedestrians and the motoring public, as well as the customers and staff of Nylaan Body Shop.

Further, as previously discussed at the February and March ZBA meetings, the driveways on the current site are not clearly defined with curbing since the grassed areas are used for parking, access and snow storage. Plus the raised concrete divider does nothing to limit or restrict access. This results in access to the site most of the distance of the frontage on Rosewood. The Road Commission's recommendation is for high-back concrete curbing to be continued the whole length of the frontage of the parcel to connect to the high-back curbing to the east of the site, except for driveway openings which should be fitted with low-back MDOT M-openings. All driveways should have high-back concrete curbed radii. If the drive between the center and east buildings remains, it should be shifted west to provide better harmony with the traffic lanes and parking. Access from this point east should be eliminated by the placement of high-back concrete curb.

Taking all of the above comments into consideration, the site plan has been revised to incorporate the recommendations of the Ottawa County Road Commission and the CAMP Study. While neither entity specifically states the maximum number of driveways that should be allowed on the site, both detail elements such as "defined driveways" and curbing to limit access, along with a curbed area in front of the eastern building to restrict access near the functional area of the intersection of 12th Ave. and Chicago.

The revised site plan provides these recommended elements with curbing to limit access, defined driveways and curbing to restrict access near the Chicago Dr. intersection. Since all of these elements have been provided, it appears that the determination could be made that the request meets this standard.

Standard #2 - Granting the variance shall not permit the establishment within a district of any use, which is prohibited, nor shall any use variances be granted.

Met as long as the site complies with the special use standards.

Standard #3 - That there are practical difficulties in complying with the standards of the Zoning Ordinance resulting from exceptional, extraordinary, or unique circumstances or conditions applying to the property in question, that do not generally apply to other property or uses in the vicinity in the same zoning district; and have not resulted from the adoption of this Ordinance.

APPEARS TO BE MET. Now that a revised site plan has been submitted complying with all other requirements, it is possible for the ZBA to review the request within the perspective of a plausible plan. The revised plan as drawn shows a layout that accommodates the other requirements, but shows that access from the western drive aisle would not be possible with this layout due to the parking spaces in front of the western building. If those spaces were removed, it seems it may be difficult to provide the 60 parking spaces required for the site (especially since two spaces in front of the eastern building were removed to accommodate a "turn around" spot now that access in front of the eastern building has been restricted.

Although the site has been overdeveloped to a point of where it has spilled over into the right-of-way just to operate, this redesigned plan provides a compromise that appears to meet the intentions detailed at previous meetings which is to eliminate some of the detrimental impacts while still providing a workable layout for the business.

Standard #4 - That the granting of such variances will not be of substantial detriment to adjacent properties or improvements in the vicinity; or, that the application of conditions of an approved variance will eliminate or sufficiently mitigate potential detrimental impacts.

APPEARS TO BE MET. The revised site plan with the redesigned driveway entrances and curbing which limits and restricts access appears to be a great improvement to the area, as well as to the motoring public. While the “ideal” situation would be to have only one or two driveway accesses, this appears to be a good compromise that should benefit the neighbors. Further, this site has more frontage than the adjacent parcels to the east.

Standard #5 - That granting such variance is necessary for the preservation of a substantial property right possessed by other properties in the vicinity in the same zoning district.

THE ZBA WILL HAVE TO DETERMINE IF THIS STANDARD IS MET. No other properties have the right to more than two accesses to a major public road. However, this site does have more frontage than the parcels to the west. Further, although the site has been allowed to be over-developed, there are more buildings and businesses on this site. Now that a revised site plan has been submitted showing compliance in all other areas, it may be possible for the ZBA to review the site plan and formulate a determination that this may be a good compromise.

Standard #6 - That granting such variance will not cause any existing non-conforming use, structure, or condition to be increased or perpetuated, contrary to the provisions of Chapter 27 of this Ordinance, except in accordance in Section 27.12.

MET. There are many nonconforming elements on the site; however, these issues have been addressed with variances or revisions to the site plan.

Standard #7 - That the variance is not necessitated as a result of any action or inaction of the applicant.

THE ZBA WILL HAVE TO DETERMINE IF THIS STANDARD IS MET. While the current situation is a result of overdevelopment of the site, along with development of the site contrary to Township ordinances and conditions of previous approvals, the revised plan provides a compromise with a redesigned layout that appears to provide a solution that meets the intentions of the ordinance by complying with ordinance standards and previous approvals, as well as provides a workable solution for the business.

DISCUSSION

The site plan has been redesigned to incorporate previous decisions made by the ZBA at the February and March meetings and demonstrates compliance with previous approvals, as well as ordinance standards, other than for the number of driveways. The ZBA should determine if this request meets the seven standards of the ordinance and provides an opportunity for a compromise that would work for the business while providing the other needed revisions to limit and define access.

Steve Witte, Nederveld Associates, represented the applicant and presented the request. He noted that the Nylaans were also in attendance.

Greg Honderd asked how they could get along with 56 parking spaces because an employee had said at an earlier meeting that they had sufficient parking spaces.

Steve Witte said that the Nylaan Body shop had enough parking spaces, but the Rosewood Auto shop needed more parking spaces.

Greg Honderd asked if most of the cars that were parked were disabled or customer cars and was told yes.

D. Dale Mohr said that they could use the fenced area for parking.

Steve Witte said that they had requested a variance for the number of parking spaces if the variance was not granted to have three drive entrances and that occasionally the fenced area was full.

The zoning administrator stated that the variance request for the number of driveways was published in the notice, but not the request for the reduction in the number of parking spaces; therefore, if the variance was denied for the three entrances, the applicants would have to come back next month to the next ZBA meeting after the notice for that request was published.

Joyce Weise said that the aisle was not wide enough for cars.

Steve Witte said that it was wide enough and met the ordinance requirement.

Joyce Weise said that she had visited the site and cars were parked everywhere including up to the road and next to the pole, and a flatbed truck was also parked along the street. She asked about the six parking spaces.

There was discussion regarding parking and circulation on the site. A suggestion was made for a one-way circulation pattern, but the applicant said that they would lose six parking spaces. It was clarified that the ordinance requires a twelve foot aisle for one-way traffic.

D. Dale Mohr asked why the handicapped spaces were located far from the building and was told that there were others closer.

The chairperson opened the public hearing.

Steve Nylaan, 6873 Rolling View Dr., said that the business of Rosewood Auto needs to have wreckers come to the site and maneuvering would be too tight without the third driveway. He said that the whole site would not work without having three driveways.

Harold Nylaan, 1224 Rosewood, spoke of his personal history and his history with the Township.

Henry Bruce Ippel, 2692 Cedar Grove Ct., said that this was a tough intersection with the railroad tracks. He said that it has worked this way for many years and he did not understand why the Township wanted the site changed now. He said that he has not seen pedestrians in the area.

The chairperson closed the public hearing.

The zoning administrator explained that the only request before the ZBA at this time was for three driveways.

Greg Honderd stated the following. Through the comments, the discussion, the public hearing, and comments made at previous meetings, it is evident that the site is overcrowded and the layout does not work. To work, more variances are needed. The more variances that are granted, the more there is a need for more variances. Having said that, we are where we are with the site and the matter before the ZBA is to look to see what works. The point of the ZBA's job is to not grant variances easily and only grant them if the standards are met. The situation we are in now with the site is a result of too many variances being easily granted. Mr. Witte can relate because it is difficult to design the site and the numerous variances that were granted caused the problems.

Joyce Weise said that unfortunately, the previous decisions of the previous ZBA resulted in this problem.

Moved by Greg Honderd, seconded by John Fanthorpe, to approve granting variance (VAR1005) Nylaan Body Shop, 1224 Rosewood St., to have three drive entrances (curb openings), a variance of one from the maximum of two allowed in Sec. 20.4(AD)(5) which states no more than one curb opening shall be permitted for every 75 feet of frontage along any street, with a maximum of two per arterial street for a special use permit for vehicle repair, in a (HS) Highway Service Commercial district, on a parcel of land described as P.P. # 70-14-23-100-083, located at 1224 Rosewood St., Georgetown Township, Ottawa County, Michigan; based on the finding that the request meets the seven standards of the ordinance and, looking at the existing site, this is the best way to make the site work. This variance approval is expressly contingent upon the property coming into full compliance with all conditions of approval from any past variance, special land use and site plan approvals granted in the past by the Township and also complying with all other Zoning Ordinance requirements which are applicable to the property. Such compliance must occur no later than the completion of construction of the building at issue or a certificate of occupancy being issued for the completed building at issue.

Greg Honderd stated the following. He does not agree with the applicant's statements and the Township is not picking on him or the business. The Township has been too lenient with him and the business and has allowed the use of the site in a more intense way than anyone else has been allowed to do. This variance makes the best layout for the site and cleans up the situation.

D. Dale Mohr stated the following. He understands that the applicant would like things to be the way they used to be early on when things were not as strict. Before there was sewer in the area, his house was constructed with a septic tank. There is a new ordinance and if his septic goes bad he is going to have to pay money to connect to sewer. This happens with time passing. The Fire Department and any history the applicant has with the Fire Department have nothing to do with this request. The Township has nothing against the applicant or his business. D. Dale Mohr has also served in the armed forces and also lost friends. However, that is not the issue here. Years ago Harold Nylaan called the County Commission about not getting any business from the County. D. Dale Mohr called the Sheriff's Department and asked them to send business to Nylaan Body Shop. Earlier this year, the ZBA granted five variances for this site. At the time, the ZBA denied the variance request to have four entrances and the ZBA specifically said only two were allowed. Between the two meetings when the earlier requests were considered, the applicant had been directed to come back to the ZBA with a revised site plan that showed some of the ZBA's determinations in order to further review those and the additional requests. However, the applicant did not return with a revised site plan.

Even if the Road Commission would allow three driveways, it would be functional the way the ZBA requested earlier.

Yeas: John Fanthorpe, Carl DeVree, Joyce Weise

Nays: Greg Honderd, D. Dale Mohr

MOTION CARRIED.

#100623-03 - Interpretation of Sec. 3.17 in the Georgetown Township Zoning Ordinance

The Zoning Administrator presented a review as follows.

BACKGROUND

Section 29.1 gives the Zoning Administrator the authority to administer and enforce the provisions of the Zoning Ordinance. Section 28.10 gives the ZBA the authority to hear and decide upon an appeal of any person aggrieved by the ruling of the Zoning Administrator concerning the enforcement of the provisions of the Zoning Ordinance. This section is provided so that you are aware that the Zoning Administrator has the authority to make a ruling concerning the enforcement of the provisions of the Zoning Ordinance. Section 28.11 (B)(1) gives the ZBA the authority to interpret the provisions of the ordinance. See the excerpts of the Zoning Ordinance below.

SUMMARY

As per the highlighted section below, I have interpreted the words “**fixed connection**” to mean a “**plugged in**” connection, such as an electrical cord plugged into an outlet (not on a temporary basis, but on a permanent basis). This could also include a “hardwired” connection, though it is **NOT NECESSARY** for the cord to be hard wired to have this **fixed connection**. Consequently, if a travel trailer had a person occupying it and had an electrical cord plugged into an electrical outlet, this would constitute a violation of the Zoning Ordinance, not only for the occupancy but for the electrical cord to be plugged into an electrical outlet on a permanent basis.

I would NOT consider a plugged in cord for the purpose of cleaning or packing or unpacking a travel trailer to be a violation of the ordinance. Rather, I would determine a violation of this section to exist if the plugged in cord was “fixed” or left plugged in on a more permanent basis for the purpose of a person occupying the trailer on a more permanent basis (to sleep in it).

As Zoning Administrator, I have compiled this determination because I believe the intent of the ordinance was to NOT allow a person to live in a travel trailer which is stored at a residence. A person living in the trailer would need a fixed or permanent connection to electricity (which could be provided by an electrical cord being plugged into an electrical outlet).

REQUEST

The request is for the ZBA to interpret this section of the ordinance for code enforcement purposes. The Code Enforcement Officer issued a citation to a person who was violating the Zoning Ordinance by living in a travel trailer that was stored at a residence in the LDR district and by having an electrical connection with an electrical cord plugged into an electrical outlet. The citation was issued for occupying the trailer (sleeping and living in it) and for having a “fixed” connection to electricity.

The Ottawa County magistrate dismissed the citation related to the connection to electricity because he said that “fixed” meant a permanent “hardwired” connection. Since the Township has determined that a “fixed” connection could mean an electrical cord plugged into an electrical outlet, the request is for the ZBA to make this interpretation. If the ZBA concurs with the Township’s interpretation, the Township will appeal the dismissal.

The ZBA could determine the intention of the ordinance and either concur with the determination or determine that the word “fixed” does indeed mean hardwired, in which case a recommendation could be made to the Planning to revise this section of the ordinance to make the intention clearer.

Sec. 3.17 OUTDOOR STORAGE IN RESIDENTIAL DISTRICTS.

The outdoor storage or parking of recreational vehicles shall be prohibited in all residential districts, unless the following minimum conditions are met:

- (A) All such vehicles shall be placed within a completely enclosed building or located behind the front face of the principal building. No vehicle shall be stored in the side yard of a corner lot which abuts a street. (revised 6-25-2001) In the rear yard of a corner lot such vehicles shall not project beyond the side of the building on the street side.
- (B) Storage or parking shall be limited to a lot or parcel of land upon which is located an inhabited dwelling, unless the conditions of paragraph C are met.(revised 1-28-02) The vehicle so stored or parked shall be owned or rented by the occupant of such dwelling unless located in an AG or RR district, in which case vehicles other than those owned by the occupant of the dwelling may be stored or parked, provided further that such property shall have an area of at least three (3) acres.
- (C) **Travel trailers and other vehicles or equipment intended or adaptable for sleeping purposes shall remain unoccupied and shall not be connected to sanitary sewer facilities or have a fixed connection to electricity, water, or gas,** unless the following conditions are met:
 - 1. the property is located in the AG district;
 - 2. the property shall have a minimum area of at least seven (7) acres,
 - 3. a building permit has been approved and obtained for a construction project on the property;
 - 4. a temporary use permit has been approved and obtained for the occupancy of the recreational vehicles on the property,
 - 5. the property shall be in compliance with all the conditions of the temporary use permit for the duration,
 - 6. a maximum of six recreational vehicles shall be allowed,
 - 7. all recreational vehicles shall be hooked up to sewer, water, and electricity through the permit of the new construction. (revised 1-28-02)

Sec. 29.1 ZONING ADMINISTRATOR.

The provisions of this Ordinance shall be administered and enforced by the Township Board, Township Planning Commission, Township Board of Appeals, and **Zoning Administrator** and deputies of same, so designated and appointed by the Township Board. The Zoning Administrator shall, among other duties, issue all permits and notices of violations provided for in this Ordinance.

Sec. 28.10 APPEALS.

Appeals to the Board of Appeals may be taken by any person aggrieved, or by any officer, department or board of the Township. **Any appeal from the ruling of the Zoning Administrator concerning the**

enforcement of the provisions of this Ordinance may be made to the Board of Appeals within five (5) days after the date of the Zoning Administrator's decision which is the basis of the appeal. The appellant must file with the Zoning

Sec. 28.11 DUTIES AND POWERS.

The Township Board of Appeals shall have the following specified duties and powers:

- (A) **Review.** Shall hear and decide appeals from and review any order, requirement, decision, or determination made by the Zoning Administrator in the administration of this Ordinance.
- (B) **Interpretation.** Shall have the power to:
 - (1) Hear and decide upon request for the interpretation of the provisions of this Ordinance.

D. Dale Mohr said that he disagrees with the zoning administrator's interpretation and that a "fixed" connection means securely placed or fastened. He said that if the word is related to duration, the ordinance should be written that way.

Greg Honderd said that there is a general ordinance that prohibits people from living in their travel trailers and if the Township errs, it should err on the side of grace. He said that "fixed" means directly connected to an electric box or panel and the ordinance should not be interpreted so harshly.

Joyce Weise said that "fixed" means plugged in for the purpose of living in the travel trailer and would not mean to be plugged in for two or three days.

D. Dale Mohr said that language should be added to the ordinance related to duration.

Greg Honderd said that the Township was trying to keep people from living in a travel trailer.

John Fanthorpe said that someone staying in a travel trailer for a three day weekend is different from someone living in one for four months while their house was being built.

Moved by Greg Honderd, seconded by Carl DeVree, to interpret Sec. 3.17 of the Zoning Ordinance as follows, as per the authority granted to the ZBA in Sec. 28.11(B)(1): The term "fixed connection" means a "hardwired" connection which is an electrical connection wired directly into an electrical box or panel.

MOTION CARRIED UNANIMOUSLY.

#100623-04 - Adjournment

The chairperson adjourned the meeting at 8:45 p.m.